



April 26, 1999

Mr. Edward H. Perry
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR99-1119

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 122964.

The City of Dallas (the "city") received a request for the following:

1. Name of psychmetrician(s) formulating examination
2. Years of experience in police test preparation
3. Minimum qualifications for the position of police test preparer
4. An exact replica of source material used for the examination
5. A copy of examination questions

It appears that information responsive to items 1-3 of the request will be released. You claim, however, that the source material used for the examination and the examination questions are excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and have reviewed the submitted information.

Section 552.122(b) excepts from disclosure test items developed by a licensing agency or governmental body. In Open Records Decision No. 626 (1994), this office determined that the term "test item" in section 552.122 includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated, but does not encompass evaluations of an employee's overall job performance or suitability. Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. Open

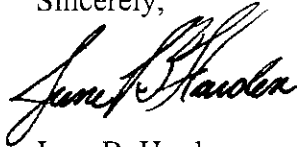
Records Decision No. 626 at 6 (1994). Traditionally, this office has applied section 552.122 where release of "test items" might compromise the effectiveness of future examinations. *Id.* at 4-5; *see also* Open Records Decision No. 118 (1976).

After careful review, we agree that the examination questions are protected "test items" that "measure the skill, knowledge, intelligence, capacities, or aptitudes of an individual" and are a "standard means by which an individual's or group's knowledge or ability in a particular area is evaluated." Open Records Decision No. 626 at 6 (1994). Thus, the city may withhold the examination questions under section 552.122(b).

You also argue that the exact replica of the source material used for the examination is also protected under section 552.122(b). You explain that although all candidates for the examination are informed as to the source documents,¹ an exact replica of the source material would include notes by the civil service representatives as to what questions should be formulated. We note that, in this instance, the requestor has indicated that he is seeking only the source material "[m]inus any handwritten notes or other internal memoranda." Since the handwritten information is not at issue, we conclude that the city must release a clean copy of the source materials to the requestor. *See generally* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 122964

encl. Submitted documents

¹According to Exhibit D, all candidates for Police Lieutenant are provided or allowed to purchase from the department the source material which will be used on the examination.

cc: Mr. Marlon Waters
2014 Main Street, Room 300 A
Dallas, Texas 75201
(w/o enclosures)